

Appl. No. 10/631,144
Amdt. dated October 19, 2004
Reply to Office Action of July 19, 2004

Remarks/Arguments

Claims 1-26 are pending in the Application. Applicants affirm the election of Group III claims 16-21. Therefore, claims 1-15 and 22-26 are withdrawn and claims 16-21 are presented for the Examiner's consideration. In addition, Applicants affirm the species elections which were required for claims 18 and 19 and these claims are therefore shown amended to reflect the oral election of species. By way of this amendment and response, Applicants request that independent claim 16 be amended as shown on the attached listing of the claims. Support for the amendment to claim 16 may be found in claims 19 and 20 originally filed, and in the specification at page 4 lines 17-21 and page 15 lines 19-22, for example.

Applicants thank the Examiner for including in the Office Action mailed July 19, 2004 signed copies of the initialed Forms PTO-1449 sent with Applicants' Information Disclosure Statement. Applicants further thank the Examiner for indicating allowable subject matter in claim 20.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the Office Action mailed July 19, 2004, the Examiner rejected claims 16, 17, 19 and 21 under 35 U.S.C. §102(b) as allegedly being anticipated by and thus unpatentable over U.S. Patent No. 5,721,180 to Pike (hereinafter "Pike"). This rejection is respectfully traversed to the extent it may apply to the currently presented claims.

The invention as presently claimed in amended claim 16 is directed to a crimped thermoplastic multicomponent fiber having a second thermoplastic components which are arranged in a crimpable cross-sectional configuration, where the first thermoplastic component includes at least about 5 percent by weight of a dielectrically susceptible additive material.

Turning to the cited reference, as the Examiner has noted Pike teaches filter media and further teaches that it can comprise crimped multicomponent filaments, such as polyethylene and polypropylene bicomponent filaments, and teaches that these can be in arrangements such as side-by-side or eccentric sheath and core. The Examiner also directed the Applicants' attention to Pike at column 2, lines 12 and 47 and the Example (please see column 7 lines 53-67) for the proposition that Pike teaches the polypropylene component discussed contains 50% by weight TiO₂. However, this section of Pike shows that where it mentions 50% polypropylene and 50%

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TiO₂ it is not a description of the fiber's component's contents. Rather, this is a description of a pigment pellet concentrate which is 50% polymer and 50% pigment (TiO₂, in this case). The fiber itself is stated to be produced using 2% by weight of this 50-50 concentrate mixed with 98% of the polymer for each component of the described bicomponent fiber. Therefore, the described fiber component contains 99% by weight of polymer and only 1% by weight TiO₂ pigment, which is 5 times less than the minimum amount of dielectrically susceptible material required to be in the first component of claim 16 as currently presented. At least for this reason, Pike does not appear to teach all the requirements of claim 16, which is a crimped thermoplastic multicomponent fiber having and second thermoplastic components which are arranged in a crimpable cross-sectional configuration, where the first thermoplastic component includes at least about 5 percent by weight of a dielectrically susceptible additive material.

Because the Pike reference has not been shown to disclose all of the parameters or requirements of Applicants' claims as presented, Applicants respectfully submit that the rejection of claims 16, 17, 19 and 21 under 35 U.S.C. §102(b) over Pike should be withdrawn.

In the Office Action mailed July 19, 2004, the Examiner also rejected claims 16, 17, 18 and 21 under 35 U.S.C. §102(a) or 35 U.S.C. §102(e) as allegedly being anticipated by and thus unpatentable over U.S. Patent No. 6,548,429 to Lintecum (hereinafter "Lintecum").

Turning to the cited reference, as the Examiner has noted Lintecum discloses yarns having bicomponent yarn filaments such as side-by-side or eccentric sheath and core and which can be of polymers including polyolefins and polyesters and including copolymers of the foregoing. As the Examiner has also pointed out, Lintecum at column 5 lines 25-34 states the fibers may also contain conventional additives such as titanium oxide, and Lintecum at column 19 line 59 states that the yarn filaments of Example 25 contained carbon black. However, the filaments disclosed in the noted passage contained 2% by weight carbon black, which is 2.5 times less than the minimum amount of dielectrically susceptible material required to be in the first component of claim 16 as currently presented. Two other types of yarn filaments are discussed in the context of Example 25 (please see also column 20 at lines 1 and 12) and in both cases, these have only 2 weight % of carbon black. At least for this reason, Lintecum fails to disclose all the requirements of claim 16, which is a crimped thermoplastic multicomponent fiber having and second thermoplastic components which are arranged in a crimpable cross-sectional configuration, where the first

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thermoplastic component includes at least about 5 percent by weight of a dielectrically susceptible additive material.

Because the Lintecum reference has not been shown to disclose all of the parameters or requirements of Applicants' claims as presented, Applicants respectfully submit that the rejection of claims 16, 17, 18 and 21 under 35 U.S.C. §102(a) or 35 U.S.C. §102(e) over Lintecum should be withdrawn.

For at least the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

JASON S. FAIRBANKS ET AL.

By Robert A. Ambrose

Robert A. Ambrose
Registration No.: 51,231

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert A. Ambrose, hereby certify that on October 19, 2004, this document is being faxed to the United States Patent and Trademark Office, central facsimile machine at (703) 872-9306.

By: Robert A. Ambrose
Robert A. Ambrose